

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MERCER BAROCIO,)
vs. Plaintiff,)
vs.)
WARDEN MARK BOWEN, *et al.*,)
Defendants.)
NO. CIV-21-0894-HE

ORDER

Plaintiff Merce R. Barocio, a state prisoner appearing *pro se*, filed a complaint alleging that defendants violated his § 1983 rights. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Judge Mitchell reviewed plaintiff's motion to proceed *in forma pauperis* and ordered him to cure deficiencies in the application. Plaintiff never cured the deficiencies or filed a new motion to proceed IFP. Judge Mitchell has issued a Report and Recommendation recommending that plaintiff's motion be denied and the case dismissed if plaintiff does not file a compliant IFP motion within twenty-one days of the date of this order.

The Report advised plaintiff of his right to object to the Report on or before December 15, 2021. Plaintiff has not objected to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #17].

Plaintiff is **ORDERED** to file a compliant *in forma pauperis* motion within **twenty-one**
(21) days of the date of this order, or this case will be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 12th day of January, 2022.



JOE HEATON
UNITED STATES DISTRICT JUDGE